

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JABRIL IVY, <div style="text-align: right;">Plaintiff</div> <div style="text-align: center;">v.</div> WILLIAMSPORT BUREAU OF POLICE, et al., <div style="text-align: right;">Defendants</div>	: : : : : : : : : :	No. 4:23cv1442 (Judge Munley) (Magistrate Judge Schwab)
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ORDER

Presently before the court is the Report and Recommendation (“R&R”) of Magistrate Judge Susan E. Schwab recommending: 1) that this case be dismissed due to plaintiff’s failure to prosecute this action and 2) that defendants’ motions to dismiss plaintiff’s complaint all be dismissed as moot. (Doc. 41). No objections to the R&R have been filed and the time for such filing has passed.

In deciding whether to adopt the report and recommendation when no timely objection is filed, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b), 1983 Advisory Committee Notes (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation”); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, Magistrate Judge Schwab cogently applied the Poulis factors in recommending the dismissal of plaintiff's action for: 1) failure to file briefs in opposition to defendants' motions to dismiss; and 2) failure to respond to court orders relative to filing those briefs. See Poulis v. State Farm Fire and Cas. Co., 747 F.2d 863, 868 (3d Cir.1984). The magistrate judge also detailed efforts to ensure that plaintiff received notice of the court's show cause orders.¹ (Doc. 41 at 2-4). The court thus finds neither clear error on the face of the record nor a manifest injustice, and therefore, the court shall accept the R&R and adopt it in its entirety. It is hereby **ORDERED** as follows:

- 1) The R&R (Doc. 41) is **ADOPTED** in its entirety;
- 2) Plaintiff's action is **DISMISSED** for failure to prosecute;
- 3) Defendants' motions to dismiss plaintiff's complaint (Docs. 16, 36) are **DISMISSED** as moot; and
- 4) The Clerk of Court is directed to close this case.

¹ Plaintiff is incarcerated at State Correctional Institution – Albion in Conneaut Township, Erie County, Pennsylvania and filed this matter *pro se*.

Date: 08/12/2024

BY THE COURT:

s/ Julia K. Munley
JUDGE JULIA K. MUNLEY
United States District Court